

Message Text

LIMITED OFFICIAL USE

PAGE 01 BONN 18899 01 OF 02 120147Z
ACTION L-03

INFO OCT-01 EUR-12 ISO-00 SS-15 /031 W
-----090944 120155Z /63
R 111846Z NOV 77
FM AMEMBASSY BONN
TO SECSTATE WASHDC 3091
INFO USMISSION USBERLIN

LIMITED OFFICIAL USE SECTION 01 OF 02 BONN 18899

USBER FOR POL - MR. SURENA

E.O. 11652: N/A
TAGS: PGOV, GW
SUBJECT: REMUNERATION OF JUDGES OF SUPREME RESTITUTION
COURT - HERFORD

REFS: (A) STATE 000096
(B) BONN A-351, NOV. 26, 1976
(C) BONN 18789

1. SINCE RECEIPT OF REFTEL A, EMBASSY LEGAL ADVISER
HAS MET ON SEVERAL OCCASIONS WITH HIS UK AND FRENCH
EMBASSY COUNTERPARTS, AND JOINTLY WITH THEM AND OFFICIALS
OF THE FRG JUSTICE MINISTRY CONCERNING NEW BASIS FOR
REMUNERATION OF SUPREME RESTITUTION COURT JUDGES.

2. FRG EMOLUMENTS PROPOSAL CURRENTLY UNDER FINAL
EXAMINATION WOULD BE EQUAL FOR ALL NON-GERMAN JUDGES OF
HERFORD SRC AND GERMAN JUDGES OTHERWISE RETIRED. EACH
JUDGE WOULD RECEIVE ANNUALLY AS DO EQUIVALENT GERMAN
JUDGES, DM 6,000 FIRM PAYMENT (ANNUAL EXPENSE ALLOWANCE)
REGARDLESS OF COURT CASE LOAD OR NUMBER OF MEETINGS OF
COURT ATTENDED. IN ADDITION, PER MEETING OF THE COURT
EACH JUDGE WOULD RECEIVE CREDIT FOR 4 DAYS. HE WOULD
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 BONN 18899 01 OF 02 120147Z

ALSO RECEIVE CREDIT FOR 3 WORKING DAYS PER CASE DECIDED
BY HIS DIVISION OF THE COURT. FOR EVERY DAY CREDITED THE
JUDGES WOULD BE PAID 1/20TH OF THE PAY AND OTHER
EMOLUMENTS RECEIVED BY EQUIVALENT GERMAN JUDGES MONTHLY,
AMOUNTING TO DM 353.57 PER DAY AT CURRENT PAY SCALES.
FINALLY, THE COURT ITSELF WOULD REIMBURSE EACH JUDGE
AS IN THE PAST FOR ACTUAL TRAVEL COSTS FROM PLACE OF

RESIDENCE TO THE COURT AND BACK HOME.

3. THE THREE DAYS' CREDIT PER CASE DECIDED IS BASED ON THE AVERAGE PREPARATION AND DRAFTING TIME PER CASE SPENT BY GERMAN JUDGES EQUIVALENT IN RANK TO JUDGES OF THE SRC.

4. BASED ON THE ASSUMPTION THAT THE THIRD (US) DIVISION OF THE COURT DECIDES 8 CASES AND THE COURT HOLDS 4 MEETINGS ANNUALLY, AND MIGHT CONTINUE TO WORK AT THIS RATE DURING THE NEXT YEAR, THE TOTAL ESTIMATED EMOLUMENTS PLUS TRAVEL COSTS THAT WOULD BE PAYABLE WITH RESPECT TO US-APPOINTED JUDGES FOR THEIR SRC HERFORD WORK WOULD BE APPROXIMATELY DM 22,000 ANNUALLY (JUST UNDER \$10,000).

5. IT IS THE EMBASSY'S UNDERSTANDING FROM JUDGE MARC ROBINSON AND THE UNDERSTANDING OF THE UK AND FRENCH EMBASSIES FROM THEIR SRC SOURCES, THAT THE JUDGES OF THE SRC IN HERFORD ARE IN GENERAL AGREEMENT WITH THIS PROPOSAL OF THE JUSTICE MINISTRY. THE ONLY REMAINING PROBLEM IS A "COLLEGE TRY" BY THE UK EMBASSY, SUPPORTED BY THIS EMBASSY, THAT THE DM 6,000 ANNUAL EXPENSE ALLOWANCE BE TIED TO PERCENTAGE INCREASES THAT WILL OCCUR ANNUALLY IN WAGES OF THE EMPLOYEES OF THE FEDERAL AND LAENDER GOVERNMENTS. WE BELIEVE THAT THIS PROPOSAL WILL NOT BE ACCEPTABLE TO THE JUSTICE MINISTRY, BUT THAT THE LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 BONN 18899 01 OF 02 120147Z

MINISTRY MAY ACCEPT THAT THE 6,000 BE INCREASED WHENEVER THAT SAME ALLOWANCE IS INCREASED FOR GERMAN JUDGES OF EQUIVALENT RANK. IN ANY EVENT, THE DM 353.57 IS SUBJECT ANNUALLY AND AUTOMATICALLY TO WHATEVER INCREASES ARE NEGOTIATED AND AGREED FOR THE EMOLUMENTS OF GERMAN JUDGES. THUS, ONCE THE NEW BASIS FOR CALCULATING EMOLUMENTS FOR SRC JUDGES COMES INTO EFFECT, IT WILL BE AUTOMATICALLY INCREASED (OR, THEORETICALLY, DECREASED) AS THE EMOLUMENTS OF GERMAN JUDGES ARE INCREASED (OR DECREASED).

6. THE EMOLUMENTS FOR THE PRESIDENT AT HERFORD (LAGERGREN) WOULD BE ON A SIMILAR BASIS, ALTHOUGH THE PAYMENTS PER DAY WOULD BE DM 508.66. WHILE THIS WILL EFFECT A CONSIDERABLE REDUCTION IN THE EMOLUMENTS PAYABLE ANNUALLY WITH RESPECT TO PRESIDENT LAGERGREN, WE UNDERSTAND THAT HE FINDS THE JUSTICE MINISTRY PROPOSAL UNDERSTANDABLE AND IS WILLING TO ACCEPT IT.

7. A MEETING IS SCHEDULED BETWEEN EMBASSY LEGAL ADVISERS

LIMITED OFFICIAL USE

NNN

LIMITED OFFICIAL USE

PAGE 01 BONN 18899 02 OF 02 120143Z
ACTION L-03

INFO OCT-01 EUR-12 ISO-00 SS-15 /031 W
-----090862 120156Z /63
R 111846Z NOV 77
FM AMEMBASSY BONN
TO SECSTATE WASHDC 3092
INFO USMISSION USBERLIN

LIMITED OFFICIAL USE SECTION 02 OF 02 BONN 18899

AND THE JUSTICE MINISTRY FOR NOVEMBER 15 AT WHICH IT IS
HOPED FINAL AGREEMENT CAN BE ACHIEVED TO PUT THE EMOLU-
MENTS ON THE ABOVE NEW BASIS GEARED TO THE REDUCED WORK-
LOAD OF THE COURT INTO EFFECT AS OF JANUARY 1, 1978.

8. COMMENT: THE EMBASSY BELIEVES THAT THE BASIS
PROPOSED AND LIKELY TO BE ACCEPTABLE TO THE OTHER TWO
EMBASSIES, AS SUMMARIZED ABOVE, FALLS WITHIN THE GUIDE-
LINES OF PARA 2 OF REFTEL A. IT ASSUMES FOR VARIABLE
COSTS A MEANINGFUL NUMBER OF DAYS FOR MEETINGS AND WORK
ON CASES, AND PROVIDES A MEANINGFUL REMUNERATION FOR
EACH JUDGE PER DAY. IN THIS WAY, THE REMUNERATION FOR
ALL JUDGES OF WHATEVER NATIONALITY WILL BE BASED ON
OBJECTIVE RATHER THAN SUBJECTIVE CRITERIA. JUDGE-
DESIGNATE LEO M. GOODMAN (SEE REFTEL C) WOULD BE PUT ON
THIS BASIS FROM NOVEMBER 21, 1977, THE DAY ON WHICH HE
WOULD BE SWORN INTO OFFICE.

10. THE EMBASSY WILL REPORT AFTER THE MEETING NOVEMBER
15 ON ANY NEW DEVELOPMENTS AND WILL REQUEST AUTHORIZATION
TO CONVEY FINAL USG APPROVAL TO THE EMOLUMENTS SCHEME
PROPOSED BY THE JUSTICE MINISTRY.
STOESSEL

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 BONN 18899 02 OF 02 120143Z

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: SUPREME COURT, JUDGES, WAGE RATES, BERLIN QUADRIpartite MATTERS
Control Number: n/a
Copy: SINGLE
Sent Date: 11-Nov-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977BONN18899
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770418-0392
Format: TEL
From: BONN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19771171/aaaaci0d.tel
Line Count: 171
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 42580c1d-c288-dd11-92da-001cc4696bcc
Office: ACTION L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 STATE 96, 77 BONN A-351, 77 BONN 18789
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 30-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 631492
Secure: OPEN
Status: NATIVE
Subject: REMUNERATION OF JUDGES OF SUPREME RESTITUTION COURT - HERFORD
TAGS: PGOV, GE
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/42580c1d-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009